

1
2
3
4
5
6
7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE EASTERN DISTRICT OF CALIFORNIA

9 ROSINA JONES,

10 Plaintiff, Case No. 2:12-cv-1682 JAM DAD PS

11 v.

12 UNIVERSAL HEALTH CARE ORDER
13 SERVICES INC., et al.,

14 Defendants.

15 /
16 Plaintiff, Rosina Jones, is proceeding in this action pro se. This matter was
17 referred to the undersigned in accordance with Local Rule 302(c)(21) and 28 U.S.C. § 636(b)(1).
18 On October 29, 2012 the undersigned dismissed plaintiff's complaint and granted plaintiff leave
19 to file an amended complaint. Plaintiff has filed an amended complaint and has requested leave
20 to proceed in forma pauperis pursuant to 28 U.S.C. § 1915.

21 The allegations found in plaintiff's amended complaint concern claims of slander
22 and the intentional infliction of emotional distress. The amended complaint alleges that plaintiff
23 resides in California, that defendant Universal Health Service, Inc., is located in Brentwood,
24 Tennessee, that defendant Kingwood Pines Hospital is located in Kingwood, Texas and that the
25 alleged wrongful conduct of the defendants occurred in Kingwood, Texas. Plaintiff's amended
26 complaint also seeks an award of \$114,412 in damages. It appears that plaintiff is alleging that

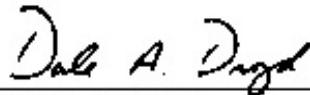
1 the court's jurisdiction over this action is based on diversity of citizenship.

2 Venue in a diversity action is proper in (1) a judicial district where any defendant
3 resides, if all defendants reside in the same State, (2) "a judicial district in which a substantial
4 part of the events or omissions giving rise to the claim occurred, or a substantial part of property
5 that is the subject of the action is situated," or (3) a judicial district in which any defendant is
6 subject to personal jurisdiction at the time the action is commenced, if there is no district in
7 which the action may otherwise be brought. 28 U.S.C. § 1331(b).

8 Here, the amended complaint alleges that the events giving rise to this action took
9 place in Kingwood, Texas, which is also where one of the defendants is located. This action,
10 therefore, should have been brought in the United States District Court for the Southern District
11 of Texas because Kingwood, Texas is part of that district.¹ See 28 U.S.C. § 124(b). In the
12 interests of justice, this action will be transferred to the United States District Court for the
13 Southern District of Texas for further proceedings, including a ruling on plaintiff's application to
14 proceed in forma pauperis and the screening of plaintiff's amend complaint. See 28 U.S.C.
15 § 1404(a).

16 Accordingly, IT IS ORDERED that this action is transferred to the United States
17 District Court for the Southern District of Texas.

18 DATED: April 1, 2013.

19
20 
21 DALE A. DROZD
22 UNITED STATES MAGISTRATE JUDGE

22 DAD:6
23 Ddad1\orders.pro se\jones1682.transfer.ord

24
25 ¹ Kingwood is located primarily Harris County, although a portion of the community
26 resides in Montgomery County. The Southern District of Texas encompasses both Harris County
and Montgomery County.